

Notice of Allowability

Application No.

10/591,174

Examiner

Zinna Northington Davis

Applicant(s)

GUNZINGER ET AL.

Art Unit

1625

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS filed February 25, 2010 and Amendment filed June 25, 2010.
2. ☒ The allowed claim(s) is/are 1-18 and 20-22 (now renumbered as 1-21, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 02/25/10
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 09/08/2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John Castellano on September 8, 2010.
3. The application has been amended as follows:

A. Claim 17 has been amended to read in favor of:

17. (Currently Amended) The method according to claim 16, wherein the disease is selected from cell proliferate diseases selected from the group consisting of cancer, atherosclerosis, restenosis, inflammatory diseases selected from the group consisting of psoriasis, and autoimmune diseases selected from the group consisting of rheumatoid arthritis.

B. Claim 18 has been amended to read in favor of:

18. (Currently Amended) A method of treatment of leukemia, breast cancer, melanoma cancer or prostate cancer in which down-regulation or inhibition of the expression or function of the IGF-1 receptor is beneficial, in a subject in need of such treatment, comprising administering to said subject an amount of the compound of formula (I) according to claim 1 in an amount which is effective in down-regulating or inhibiting the expression or function of the IGF-1 receptor.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

4. Based upon the response filed June 25, 2010, the rejections under 35 U.S.C. 101 and 35 U.S.C. 112, 1st and 2nd paragraphs are withdrawn.
5. In order to meet the requirements of 35 U.S.C. 112, 2nd paragraph, claim 17 has been amended.
6. In order to meet the requirements of 35 U.S.C. 112, 1st paragraph, claim 18 has been amended.
7. The Information Disclosure Statement filed February 25, 2010 has been considered. The reference alone or in combination forms does not teach nor suggest the invention as instantly claimed. There is no motivation to modify the prior art reference to derive the claimed invention. Accordingly, claims 1-18 and 20-22 are allowed.
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zinna N. Davis whose telephone number is 571-272-0682.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Zinna Northington Davis/
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